

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL DIVISION
	:	
	:	Criminal No. 04-36 ERIE
v.	:	
	:	
	:	
ANN MARIE WEBER	:	

**MOTION FOR LEAVE OF COURT TO FILE SENTENCING
MEMORANDUM WITH ATTACHMENTS UNDER SEAL**

AND NOW, comes the Defendant, Ann Marie Weber, by and through her attorney, Stephen M. Misko, Esquire, and respectfully requests Leave of Court to file her Sentencing Memorandum with Attachments under seal:

1. The Defendant is scheduled to be sentenced on September 23, 2005 at 10:00 a.m.
2. Counsel for the Defendant is preparing a Sentencing Memorandum for the Court's review prior to said sentencing date.
3. Incorporated in the Sentencing Memorandum will be in excess of one hundred (100) pages of the Defendant's medical records while a patient at St. Vincent's Health Center, Millcreek Community Hospital, Stairways Behavioral Health and Bayfront Digestive Disease Associates, P.C.
4. Said medical records relate to the Defendant's involuntary commitment and mental health issues, as well as her present medical condition as treated by James A. Pilla, D.O.
5. Said medical records are confidential and are protected by privacy laws, to wit, Health Insurance Portability and Accountability Act of 1996 (HIPAA). In addition, the

records reflect information that the Defendant desires to be shielded from the view of the public due to the personal, sensitive and embarrassing nature of the information contained therein.

6. To that extent, the Defendant respectfully requests Leave of Court to file the Sentencing Memorandum and attached medical records under seal.

WHEREFORE, the Defendant, Ann Marie Weber, respectfully requests that this Honorable Court enter an Order allowing the filing of the Sentencing Memorandum with attachments to be placed under seal, for the reasons stated herein.

Respectfully submitted,

s/Stephen M. Misko
Stephen M. Misko, Esquire
Attorney for Ann Marie Weber

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL DIVISION
	:	
	:	Criminal No. 04-36 ERIE
v.	:	
	:	
	:	
ANN MARIE WEBER	:	

ORDER

AND NOW, this _____ day of September, 2005, upon due consideration of the foregoing motion, it is hereby ORDERED that Defendant's **Motion for Leave of Court to File Sentencing Memorandum with Attachments Under Seal** is hereby GRANTED.

Sean J. McLaughlin
U.S. District Court Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL DIVISION
	:	
	:	Criminal No. 04-36 ERIE
v.	:	
	:	
	:	
ANN MARIE WEBER	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Motion for Leave of Court to File Sentencing Memorandum with Attachments Under Seal** was served by Electronic Mail, on the following parties, on this the 14th day of September, 2005:

Christian A. Trabold, Esquire
United States Attorney's Office
17 South Park Row, Room A-330
Erie, Pennsylvania 16501
christian.a.trabold@usdoj.gov

s/Stephen M. Misko
Stephen M. Misko, Esquire
Attorney for Ann Marie Weber

